

May



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Michael E. FARRELL et al.

ATTENTION: GROUP DIRECTOR
Technology Center 2800

Group Art Unit: 2863

Application No.: 10/082,149

Examiner: Toan Le

Filed: February 26, 2002

Docket No.: 112523

For: METHOD AND APPARATUS FOR PROVIDING DATA LOGGING IN A MODULAR
DEVICE

**PETITION TO RESET A PERIOD FOR REPLY
DUE TO LATE RECEIPT OF OFFICE ACTION**

Attention: Group Director of Technology Center 2800
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the statutory period for replying to the December 3, 2003 Office Action be reset. It is also respectfully requested that the December 3, 2003 Office Action be re-mailed, with the response period starting on the re-mailed date.

On February 27, 2004, a routine status check for this case revealed that an Office Action was allegedly mailed on December 3, 2003. However, the Office Action has not been received by Oliff & Berridge PLC due to the Patent Office's delay in processing the Power of Attorney and Change of Address filed on April 22, 2002 (copy enclosed). Enclosed is also a copy of the date-stamped receipt indicating the submission of the Power of Attorney by Assignee and Change of Address.

Moreover, after communicating with Art Unit Group 2800, Applicants requested the Power of Attorney to be processed. Enclosed is a copy of the Notice of Acceptance of Power

of Attorney dated March 9, 2004 which indicated that the Power of Attorney has now been properly entered by the Patent Office. However, Applicants have not yet received the Office Action.

Also enclosed is a Status Inquiry Letter filed on August 26, 2003, along with a date stamped receipt, indicating that Applicants have not received from an Office Action on that date and the indication that Applicants assumed the Power of Attorney have been processed.

In view of the foregoing, it is respectfully submitted that: 1) the December 3, 2003, Office Action was not received by Oliff & Berridge PLC; 2) a search of the file jacket and docket records indicates that the Office Action was not received; and 3) the attached Submission of Power of Attorney and Change of Address indicates that it should have been properly processed on April 22, 2002 by the Patent Office so as to receive the allegedly December 3, 2003 mailed Office Action.

It is respectfully requested that the statutory period for response be reset from the date on which the Office Action will be re-mailed, to reinstate the time which was lost, especially as Applicants will incur the cost of filing at least a one-month Petition for Extension of Time to respond to the allegedly mailed December 3, 2003 Office Action.

As this Petition does not result from any error on the part of the undersigned, it is respectfully submitted that no Petition fee is due. However, the U.S. Patent and Trademark Office is authorized to debit Account No. 15-0461 in the amount necessary to effect this filing, should a fee be required.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

David J. Cho
Registration No. 48,078

JAO:DXC/brc

Enclosures:

Submission of Power of Attorney and Change of Address w/
date-stamped receipt
Notice of Acceptance of Power of Attorney
Status Inquiry Letter w/ date-stamped receipt

Date: March 23, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
